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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,600	06/25/2003	Katsushi Ikeuchi	239510US2	1466

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EXAMINER

PRENDERGAST, ROBERTA D

ART UNIT	PAPER NUMBER
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2628

DATE MAILED: 10/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/602,600	Applicant(s) IKEUCHI ET AL.	
	Examiner Roberta Prendergast	Art Unit 2628	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 17 July 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 5 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-19.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.


ULKA CHAUHAN

ADVISORY PATENT EXAMINER

Continuation of 3. NOTE: Applicant first argues, with respect to independent claims 1, 8 and 14, "...Instead of teaching that the required Claim 1 "microfacets" (that must be used to "approximate a three-dimensional shape of the geometrical shape model") are generated, Beasley teaches (at column 7, lines 27-29) that a "snap shot is taken" that is "turned into a single polygon or low number of polygons billboard." These snapshots are taken from different angles but they always form "silhouette forms" (see column 7, lines 29-39) that are clearly shown by Beasley to be two-dimensional outline "silhouette forms" in Figures 2 C, 3A-3C, and Figures 4A-4C. Column 5, lines 38-39, of Beasley actually specify that these "silhouettes are flat (i.e., two dimensional)."..." and "...To whatever extent that these silhouettes can be stored in a texture memory as indicated at column 7, lines 39-41, that does not change these actual "two-dimensional" outlines into the claimed "microfacets" that must themselves be used to "approximate a three-dimensional shape of the geometrical shape model." Accordingly, nothing at column 6, line 47-column 7, line 22, in any way teaches or suggests putting together a plurality of the stored silhouettes to "approximate a three-dimensional shape of the geometrical shape model." The position to the contrary at page 13, lines 14-18 of the outstanding Action that seeks to concentrate on individual silhouettes with added texture being shown as substitutes for full three-dimensional model renditions is clearly made without a careful analysis of the requirements of the language of Claim 1 and is not well founded any more than the repeated misuse of this flawed rationale at page 5, lines 3-6, of the outstanding Action is...". Examiner respectively submits that each microfacet is comprised of a 2d polygon and further submits that column 5, lines 35-64 discloses separate 2d silhouettes comprised of a single polygon are taken from different fields of view and that a new silhouette can be interpolated from two known silhouettes; column 6, lines 39-65 discloses an example of a convoy of 10 trucks comprised of 10 silhouettes; column 7, lines 23-41 discloses sets of silhouettes corresponding to each level of detail and intermediate silhouettes being generated from adjacent silhouettes thus it is obvious that a plurality of silhouettes are used to approximate a three-dimensional shape representing a view of the three-dimensional convoy. Thus, it would be obvious to one with common knowledge of the art at the time the invention was made that putting together one or more silhouettes to approximate a three-dimensional shape of a geometrical shape model for a single truck would also reduce the number of polygons required while increasing the level of detail without a large increase in processing time. As per applicant's arguments regarding the motivation statements, examiner respectively requests applicant look to the motivation statements regarding the combination of cited prior art found in the previous office action. As per applicant's arguments regarding the dependent claims, please see examiner's response above. As per applicant's remarks regarding the objection to the drawings, the petition to enter the photographs has not been approved at this time therefore the objection to the drawing is maintained.